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10/676,120

10/02/2003

Cheryl E. Perkins

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LITMAN LAW OFFICES, LTD.  
P.O. BOX 15035  
CRYSTAL CITY STATION  
ARLINGTON, VA 22215

EXAMINER

CRABTREE, JOSHUA DAVID

ART UNIT

PAPER NUMBER

3714

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

03/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/676,120

Applicant(s)

PERKINS ET AL.

Examiner

Joshua D. Crabtree

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 3-10, and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-10 and 12-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The following office action is in response to the amendment dated 1/18/2007. Claims 2, and 11 have been cancelled. Claims 1, 3-10, and 12-16 are pending.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. **Claims 1, 3, 4, 9, 10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gemma, Jr. (US 6,663,456) in view of Avital (US 6,506,093).**

With regard to claim 1, and the limitations of a finger puppet glove, with a plurality of finger puppets being removably attached to the finger puppet glove, Gemma, Jr. discloses a glove containing removable finger puppets (Col. 2: 55-60). Gemma, Jr. discloses that the puppets

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may be used along with a story presentation (Col. 1: 49-54), both of which are included in the kit (Col. 1: 61-64). With regard to claim 10, and the limitation of donning the glove, Gemma, Jr. discloses that the puppets may be on a glove, to be worn by hand of a manipulator (Col. 2: 55-63). With regard to presenting a video presentation, Gemma, Jr. discloses that the story presentation media may be videotape, DVD, book, audiotape, CD, or CDROM (Col. 4: 11-16).

With regard to claims 1 and 10, and the limitation wherein the puppets are configured to represent a family of a second culture, the finger puppets of Gemma, Jr. may be used to represent a family. For example, if four finger puppets are used, then a user could choose to represent two of the puppets as parents, and the other two puppets as children.

With regard to claims 1 and 10, and the limitation of a costumed doll configured to represent a child of the second culture. Gemma, Jr. discloses that it is known in the art to include a costumed doll in such an invention (*Col. 1, lines 30-37 refer to Balbuena, US Pat. No. 4,372,077, which discusses use of a doll with a storybook in Col. 1:12-2, and shows a costumed doll in Fig. 1*). Such a costume could be any style of costume desired by a user of the invention, including the specific costume type (i.e., child of a second culture) recited in the claim.

With regard to claims 1 and 10, and the limitation of at least one video presentation showing a typical period in a life of a child of the second culture, Gemma, Jr. discloses including a story media, which may be in the form of a video, with the puppets (Col. 1: 61-64; Col. 4: 11-13). Such a video could include any video content desired by a user, including such content (i.e., typical period in the life of a child) as recited in the claims.

With regard to claim 10, and the limitations of donning the finger puppet glove, and removably applying the finger puppets to the finger puppet glove, and manipulating the finger

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puppets in accordance with the story of the video presentation, Gemma, Jr. discloses a glove containing removable finger puppets worn by the hand of a manipulator (Col. 2: 55-60). Gemma, Jr. discloses that the puppets may be used along with a story presentation (Col. 1: 49-54), both of which are included in the kit (Col. 1: 61-64). Gemma, Jr. discloses manipulating the finger puppets to act out scenes from a story media (Col. 1: 49-54). The story media may be a videotape or DVD (Col. 4: 11-13).

With regard to claims 1 and 10, and the limitation of a plurality of picture books, with each of said books relating to a subject area of the second culture, and a plurality of audio presentations corresponding to the plurality of picture books, Gemma, Jr. discloses that the story media may comprise a book, audiotape, compact disk, or any combination thereof (such as a book combined with an audiotape), and that several stories may be included (Col. 4: 10-14). The specific content contained in the story media could be any content desired by a user of the invention, including the specific content recited in the claim.

With regard to claims 1, and 10, Gemma, Jr., does not explicitly disclose using a *plurality* of picture books. Avital teaches the feature of combining a plurality of books with a puppet theater (Col. 2: 22-25). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Avital into the invention of Gemma, Jr., in order to provide a puppet theater story-telling system which includes a plurality of books, rather than just a single book. With this feature, several children could follow along during a performance, using their own book. This might also prevent problems from occurring, such as children fighting to be closer to the one single book of Gemma, Jr.

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With regard to claim 3, and the limitation of further including at least one activity book relating to the second culture and containing a plurality of reproducible sheets, Gemma, Jr. discloses that it is known in the art to include an activity book in such an invention (*Col. 1, lines 15-37 refer to US Pat. Nos. 4,608,024, 5,472,364, and 4,372,077, each of which show the use of a book in such an invention*). With regard to the sheets being reproducible, the pages of the books of the patents incorporated by reference into Gemma, Jr. could be traced, photocopied, or otherwise reproduced if a user desired to do so.

With regard to claim 4, and the limitation wherein the plurality of reproducible activity sheets further include puzzles, coloring pages, craft projects, recipes, and games and instructions therefor, the pages of the books of the patents incorporated by reference into Gemma, Jr. could include any content desired by a user of the invention, including puzzles, coloring pages, etc., as claimed.

With regard to claims 9 and 16, Gemma, Jr. discloses a storage container (*Col. 3: 34-60; Item 15 in Fig. 1*).

**3. Claims 7 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Gemma, Jr. in view of Avital, as applied above, and further in view of Pokempner et al. (US 2004/0198144).**

With regard to claims 7 and 14, Gemma, Jr., as modified by Avital, does not disclose the inclusion of flash cards with symbols thereon representing a corresponding aspect of the second culture. Pokempner teaches an activity kit, which may include flash cards (Paragraph [0004]). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate

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the flash cards of Pokempner into the kit system of Gemma, Jr., in order to enhance the presentation with flash cards. Although the invention of Pokempner does not show the use of flash cards within a multicultural educational application, Pokempner teaches that such features are common in an activity kit for children. Given this teaching it is clear that the use of flash cards, for inclusion in a children's activity kit, was well known at the time of applicant's invention. Given this, one of ordinary skill in the art seeking to provide a user of a multicultural educational kit system, such as the one of Gemma, Jr., as modified by Avital, the advantage of an activity kit with flash cards, would have been motivated to seek the outside source as a solution to the problem. With regard to the specific content of flash cards being symbols relating to a culture, the flash cards of Pokempner may contain any content desired by a user, such as symbols, pictures, etc.

**4. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gemma, Jr. in view of Avital, as applied above, and further in view of Ouellette et al. (US 5,816,821).**

With regard to claims 8 and 15, Gemma, Jr., as modified by Avital, does not disclose further including a plurality of additional culture components of a third culture. Ouellette et al. teach an education system in which at least three different cultures are represented by doll (Figs. 1A-C). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Ouellette et al. into the kit of Gemma, Jr., as modified by Mayer, in order to provide a cultural education kit wherein more than one culture is represented. This would enable the user of the kit to be exposed to a plurality of cultures.

5. **Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gemma, Jr. in view of Avital, as applied above, and further in view of Wallace (*Teaching Multiculturalism: Focus on People*, Reading Online, July 1998, <http://www.readingonline.org/articles/multi/article.html>).**

With regard to claim 5, Gemma, Jr., as modified by Avital, does not disclose including a map relating to a region of the second culture. Wallace teaches using a world map, so that the students can locate the country of interest (p. 4, "*Geography*" section). With regard to claim 13, Gemma, Jr., as modified by Mayer and Ouellette, do not disclose the limitation of indicating to the children the various features on the map relating to the second culture. Wallace teaches labeling a map so that students can identify countries easily, having a volunteer indicate a country, and discussing the country with relation to the student's country (p. 4, "*Geography*" section).

With regard to claim 5, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the map of Wallace into the kit of Gemma, Jr., as modified by Mayer and Ouellette, in order to provide a multicultural educational kit which includes a map. This way the users of the kit can see where the culture being studied is located, relative to their own country.

With regard to claim 13, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Wallace into the invention of Gemma, Jr., as modified by Mayer and Ouellette, in order to provide a multicultural educational system which



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includes a map. This way the children can see where the culture being studied is located, relative to their own country.

**6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gemma, Jr. in view of Avital and Wallace, as applied above, and further in view of Shtipelman et al. (US 4,673,197).**

With regard to claim 6, Gemma, Jr., as modified by Avital and Wallace, does not disclose a regional map including an erasable surface. Shtipelman teaches a regional map, with an erasable surface (Col. 1: 5-12). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Shtipelman into the invention of Gemma, Jr., as modified by Avital and Wallace, in order to provide a multicultural educational kit system with a map, wherein the map is of a particular region, with an erasable surface. This way the teacher could make temporary notes on the map for teaching purposes. With an erasable surface, the teacher could write multiple notes for the students. Although the invention of Shtipelman does not show the use of a regional map with an erasable surface within a multicultural educational application, Shtipelman teaches that such features are common in a map. Given this teaching it is clear that the use of regional mapping, with an erasable surface, for inclusion in a map for a multicultural educational system, was well known at the time of applicant's invention. Given this, one of ordinary skill in the art seeking to provide a user of a multicultural educational kit system, such as the one of Gemma, Jr., as modified by Avital and Wallace, the advantage of a map dedicated to a specific region, and including an erasable surface, would have been motivated to seek the outside source as a solution to the problem.

**7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gemma, Jr. in view of Avital and Wallace, as applied above, and further in view of Pincus (Manners Matter: Activities To Teach Young People Social Skills, 1992).**

With regard to claim 12, Gemma, Jr. discloses including a book for use with the puppets (Col. 1: 49-54). The sheets in the book may have any content desired by a user of the invention, including activities. Gemma, Jr., as modified by Avital, does not explicitly disclose the limitations of reproducing at least one of the activity sheets, as desired, distributing the activity sheet to the children, and assigning the children to perform the activity of the reproduced and distributed activity sheet.

Wallace teaches a multicultural educational scenario in which students may use an activity book with arts and crafts ideas. Wallace teaches instructing the children to perform a craft activity (p. 5, "Art" section). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Wallace into the invention of Gemma, Jr., as modified by Avital, in order to enhance the puppet performance with activities to be performed by the children. This would give the children hands-on exposure to multicultural concepts.

Gemma, Jr., as modified by Avital and Wallace, do not disclose making copies of an activity sheet for distribution to the students. Pincus teaches an activity book (p. 1), wherein the pages contain activities which may be reproduced by a teacher for disseminating to students (p. 3). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Pincus into the invention of Gemma, Jr., as modified by Avital and

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Wallace, in order to provide a multicultural education system in which pages from an activity book are reproduced and distributed to the students. This would be more cost effective than purchasing a separate activity book for each student.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1, 3-10, and 12-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

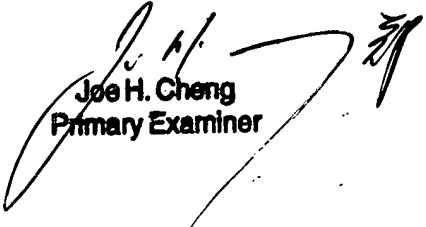
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Crabtree whose telephone number is 571-272-8962. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Joe H. Cheng  
Primary Examiner

Joshua D. Crabtree  
March 13, 2007